

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Case No. 16-CR-20291

v.

Hon. Nancy G. Edmunds

ISAAC JAMES HARGROVE,

Defendant.

**SECOND SUPPLEMENTAL BRIEF AND EXHIBIT IN SUPPORT OF
ISAAC HARGROVE'S MOTION FOR COMPASSIONATE RELEASE**

Since filing Isaac Hargrove's supplemental brief in support of compassionate release, undersigned counsel has learned important information about Mr. Hargrove's access to medical care at FCI Hazelton. In addition, counsel received a letter to the court from Mr. Hargrove, which he wishes to submit as an exhibit.

Throughout 2019, Mr. Hargrove was evaluated to determine if he is a candidate for surgery to address his thoracic aortic aneurysm. (2019 Medical Records at 7, 11, 33, 35, 50) In February 2020, records indicate that Mr. Hargrove was waiting for this surgery. (2020 Medical Records at 7) in the week of August 3, 2020, Mr. Hargrove was told by BOP staff that he had to be quarantined for surgery, although staff did not explain exactly what surgery he would have. Then, when a medical professional

evaluated him, he learned that, due to the lockdown and limited access to medical care, he cannot have the surgery without re-testing.

Mr. Hargrove's serious heart condition elevates the risk he will become severely ill if he contracts COVID-19. Even without the threat of COVID-19, his aortic aneurysm creates a significant risk of a life-threatening rupture and internal bleeding.¹ The BOP's failure to provide necessary surgery highlights Mr. Hargrove's inability "to provide self-care within the environment of a correctional facility." U.S.S.G. § 1.13 application note 1(A)(ii).

In addition to providing Mr. Hargrove with inadequate medical care, FCI Hazelton is not performing adequate testing to understand the extent to which COVID-19 has spread within the facility. The BOP currently reports that there are 3 staff members infected with the virus.² Yet the BOP has not been testing many incarcerated people. Of the 1,174 people incarcerated at FCI Hazelton, the BOP has tested only 117—a paltry 9.9% of the population.³ There is no information about how many staff members have been tested.

Mr. Hargrove acknowledges the seriousness of his conduct. To the greatest extent possible given his health conditions, Mr. Hargrove has worked toward positive

¹ Center for Disease Control, *Aortic Aneurysm* (Dec. 9, 2019), https://www.cdc.gov/heartdisease/aortic_aneurysm.htm (last visited Aug. 18, 2020).

² Fed. Bureau of Prisons, *COVID-19 Cases* (Aug. 18, 2020), <https://www.bop.gov/coronavirus/> (last visited Aug. 19, 2020).

³ Fed. Bureau of Prisons, *COVID-19 Inmate Test Information* (Aug. 18, 2020), <https://www.bop.gov/coronavirus/> (last visited Aug. 19, 2020).

change. (Ex. G, Hargrove Letter) His crimes were serious, but he did not commit a capital offense.

CONCLUSION

Isaac Hargrove's motion for compassionate release should be granted.

Date: August 19, 2020

Respectfully Submitted,

FEDERAL COMMUNITY DEFENDER

s/ Colleen P. Fitzharris

Attorney for Isaac Hargrove

613 Abbott Street, 5th Floor

Detroit, Michigan 48226

313-967-5868

E-mail: colleen_fitzharris@fd.org

CERTIFICATE OF SERVICE

Counsel certifies that on the above date, the foregoing paper was filed with the clerk of the Court using the ECF system, which will send notification to opposing counsel.

Date: August 19, 2020

Respectfully Submitted,

FEDERAL COMMUNITY DEFENDER

s/ Colleen P. Fitzharris

Attorney for Isaac Hargrove

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Detroit, Michigan 48226

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